

U.S. Department
of Transportation
United States
Coast Guard



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16711
29 June 1995

From: Commander, Eighth Coast Guard District
To: Distribution

Subj: POLICY ON RAIL HEIGHTS FOR PASSENGER VESSELS AND SMALL
PASSENGER VESSELS

1. Enclosure (1) is forwarded for your information and action.

G. A. Tetreau
G. A. TETREAU
By Direction

Encl: (1) COMDT (G-MVI-1) ltr 16711 MVI Policy Ltr No. 5-95 of
9 June 1995

Dist: All Eighth District MSOs and MSDs

U.S. Department
of Transportation
United States
Coast Guard



TO:	Commandant
FROM:	G-23
SUBJ:	United States Coast Guard
DATE:	
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Page (202) 267-1404

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MVI Policy Ltr No. 5-95

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To : Distribution

Subj: POLICY ON RAIL HEIGHTS FOR PASSENGER VESSELS AND SMALL
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1. This letter states the Coast Guard policy for the interpretation and enforcement of the requirements in Title 46, Code of Federal Regulations (CFR), Parts 72.40-5 and 177.35-1 pertaining to the height of railings on passenger vessels and small passenger vessels. Commandant (G-MVI) Policy Ltr No. 07-90 dated 9 April 1990 is cancelled.

2. Rail Heights on Sport Fishing Vessels. Title 46, CFR 177.35-1(d) states: "On sport fishing vessels where it can be shown that higher rails would interfere with the normal operation of the vessel, rails of at least 30 inches height may be permitted." Similarly 46 CFR 72.40-5(b) states: "Where the height of the rails interferes with the business of the vessel, as in the case of a sport fishing vessel, other arrangements may be specifically approved by the Commandant." The controlling factor here is that the reduced rail height may be permitted only if an owner can show that 39 1/2 inch high rails required by 46 CFR 72.40-5(a) or 36 inch high rails required by 46 CFR 177.35-1(g) would interfere with the operation of the vessel.

a. On a passenger vessel or small passenger vessel in a service that permits passengers to "line the rails" while fishing, 39 1/2 inch rails should be required for Subchapter H vessels and 36 inch rails should be required for Subchapter T vessels unless the owner can satisfactorily prove that such rails would interfere with the normal operation of the vessel. Conversely, on a vessel engaged in such operations as big game angling, 30 inch rails could be allowed if the owner can show that lower rails are necessary because of the use of a fixed fighting (fishing) chair or other specialized angling techniques.

b. If a vessel engages in two or more types of services, such as fishing and whale watching excursions, the rail height requirement of the service requiring the higher rail shall be applicable.

3. Rail Heights for Interior Balcony Areas. The rail height requirements in 46 CFR Subchapters H and T were developed for spaces where passengers would generally be either walking or standing in the vicinity of the rails. These regulations do not take into consideration new design innovations which include interior balcony areas for theaters, where passengers would normally remain seated while occupying the space. In addition,

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rail height requirements based on standing criteria may present line of sight problems for passengers in theater balcony seats.

a. While land based building codes usually do not apply to sea going vessels, they can be useful in determining an equivalent safety standard. These codes, which specifically address rails in theater balconies, allow rail heights of less than 36 inches for rails which are not located at the end of an aisle.

b. Theater balconies usually contain fixed seats. Passengers in these areas would normally remain seated while occupying the space. In addition, many vessels utilizing this design engage exclusively in voyages of a sheltered nature such as a river or lakes, bays, and sounds route.

c. Accordingly as per 46 CFR 72.40-5(b) & (d) and 46 CFR 177.35(h) rail heights for interior balconies may be lowered to no less than 30 inches except in way of aisles provided:

(1) The vessel will operate exclusively on a sheltered route.

(2) The space either contains fixed theater seating or the space will be used exclusively for seated activities such as viewing a show and/or dining.

(3) Rail heights of 36 inches would obstruct the line of sight to the theater or center stage.

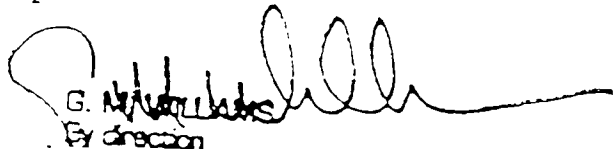
4. Existing vessels which now have 30 inch rails should not normally be required to increase their rail height to 36 inches unless:

a. The vessel's normal service changes (e.g., from big game fishing with fighting chairs to head boat/party boat type operations, or from seated activities such as theater viewing to standing activities); or

b. The route of the vessel changes to one of greater severity; or

c. The rails must be replaced for other reasons.

5. On vessels where 30 inch rails have been allowed due to the above mentioned reasons, a Special Note should be placed in the vessel's Marine Safety Information System file to indicate the nature of the exemption and the conditions under which it applies. It should also include a reference to any written correspondence approving the exemption.


G. M. Williams
By direction

Distribution: All District (m) Offices